

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:448.99

DATE OF DECISION: 24-7-2008

Shri D.G.Dhiware Applicant.

Shri S.P.Saxena Advocate for
Applicant.

Versus

The General Manager, Currency Note Press Respondents.
Nasik Road. and others.

Shri V.S. Masurkar. Advocate for
Respondents

CORAM

Hon'ble Shri D.S.Baweja, Member (A)

Hon'ble Shri S.L.Jain, Member (J)

(1) To be referred to the Reporter or not? yes

(2) Whether it needs to be circulated to all other Benches of the Tribunal?

(3) Library.

yes

S.L.JAIN /
(S.L.JAIN)
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 448/99

the 24th day of JULY 2000

CORAM: Hon'ble Shri D.S. Baweja, Member(A)

Hon'ble Shri S.L.Jain, Member (J)

D.G. Dhiware
Inspector Control
Currency Note Press
Nasik Road.

...Applicant.

By Advocate Shri S.P. Saxena.

V/s

1. The General Manager
Currency Note Press
Nasik Road.
2. Dy. General Manager,
Currency Note Press,
Nasik Road.
3. Shri M.N.Kamant
Inspector Control
Currency Note Press,
Nasik Road.
4. Shri P.P. Badve,
Inspector Control,
Currency Note Press,
Nasik Road.

... Respondents.

By Advocate Shri V.S. Masurkar.

O R D E R

{Per Shri S.L. Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunals Act 1985, for a declaration that the applicant is eligible and entitled to be sent for training at Switzerland or any other country, dropping of the name of the applicant and considering the same of his juniors Shri M.N. Kamat and Shri P.P. Badve respondent No. 3 and 4 respectively for training at Switzerland is illegal and arbitrary and liable to be quashed, with a direction to the respondents to consider the name of the applicant and sent for training abroad.

J.V. / -

...2...

2. The applicant who is senior to respondent No.3 and 4, working as Inspector Control, has worked on different machines and operated them and also acquainted with the machines which are being used by the applicant during the course of the employment. Respondent No.1 and 2 has imported the following machines:

- (a) Super Sunelton Machine.
- (b) Numero Pack Machine.
- (c) Completa Machine.
- (d) Overlap Machine.
- (e) Cut Pack Machine.
- (f) Wata Sort Machine.
- (g) Note numbering Machine.

As per the norms of the Seller company, the Seller company has agreed to give necessary training to the employees who run the said machine and the specialised training is given in Switzerland. The Management, (Respondent No.1 and 2) have not circulated the details of the training on the notice board for the reasons best known to them. No guidelines were prepared for selecting the appropriate employees for the training, adopted the policy of favouritism and bias attitude and started pick and choose policy. One Civil Engineer from Workshop Department has been sent for training has nothing to do with the machine. Two persons junior to the applicant respondent No.3 and 4 were selected for training. The applicant represented the matter before the General Manager who orally informed that he is not having the qualification. Hence this OA for the above said reliefs.

...3...

3. The Respondents (No. 1 and 2) by filing the written statement alleged that respondent No.3 and 4 were selected for training abroad as they were fulfilling the criteria fixed by the Government instructions. The applicant has seen the Cut Pak Machine when it was initially installed in Control office II and afterwards the said machine was handed over to Technical Department. He has also worked on Nota Sorta and Nota Numbering machine in Cut Pak Section and at that time he was Inspector Control in the Control Section II. The fact of importing number of machine under the modernisation project is also admitted alongwith the fact that the contractor shall arrange for training abroad and in India for maintenance of the plant and equipment under the contractor's scope of supply. The officials ^{are} selected for training abroad ~~is~~ strictly on seniority and in order of merit from the respective cadres. No favouritism, bias ^{ed} attitude and pick and choose policy was adopted. The applicant was not considered for training abroad as he was not fulfilling the criteria fixed for the same while respondent No.3 and 4 were fulfilling the criteria fixed. Hence prayed for dismissal of the OA alongwith costs.

4. The respondents have filed Annexure R-1 which is the criteria for selection of officials for training abroad. The learned counsel for the respondents relied on criteria No. 4 "out of the last 3 ACR reports, there must be atleast one 'very good' and two 'good' reports." The respondents have also placed the ACRs of the applicant and respondent No. 3 and 4 before us for the year 1994 -95, 1995 - 96 and 1996 - 97 for our perusal. On perusal of the said report we are of the considered opinion that applicant, respondent No.3 and 4 are placed in one and the

...4...

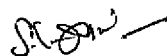
same category i.e. to say they were graded 'good'. None of them have been placed better than the applicant. In such circumstances the criteria which is relied on by the respondents that out of the last 3 ACRs there must be atleast one 'very good' and two 'good' reports, Respondent No.3 and 4 do not fulfill the said criteria. Respondents have made available the selection proceedings for short listing the candidates for training abroad. On going through the same, we find that the criteria as stated above has been decided to be followed. However, we do not find any noting by the competent authority as to what was the other considerations apart from the confidential reports which weight with the competent authority to ascertain the suitability of a particular employee for being trained abroad for operation of the machines.

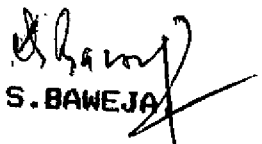
5. However, considering the facts and circumstances of the case, we are of the view that the issues under challenge does not require to be gone into merits at this stage. The staff has already under-gone training has come back. Foreign training as arranged for the staff was a one time exercise. The applicant cannot be directed to be sent in place of Respondents No. 3 & 4 even if there was some irregularities in selecting of the candidates for foreign trips. Foreign training is not a case of promotion where an employee who has been wrongly promoted ignoring the senior could be promoted and the senior promoted in this case. In this background, we are of the considered view that the OA. has become infructuous. However, before we part

ND / -

with the matter with the observations that the respondents will be carefully in correct application for criteria for selection laid down and proper reasons will be recorded in case the senior employee is over-looked for being considered for training abroad.

6. In the result of the above, the OA. is dismissed as having become infructuous. No order as to costs.


(S.L.JAIN)
MEMBER (J)


(D.S.BAWEJA)
MEMBER (A)

NS